

Elimination of ICEP and LATICEP is consistent with this policy.

4. Therefore, Subpart R of Part 90 is renamed *Frequency List* and the references to ICEP and LATICEP are stricken.

5. Because this amendment does not affect the normal operation of the services which might have used these outmoded plans, these changes constitute only minor amendments to our rules. The public is not likely to be interested in such minor amendments. Therefore, we find for good cause that compliance with the notice and comment procedures of the Administrative Procedures Act is unnecessary. See Section 5 U.S.C. 553(b)(3)(B).

6. Because we find that it is not in the public interest to maintain these outmoded emergency plans any longer, these rule deletions are effective immediately upon publication in the *Federal Register*. See 5 U.S.C. 553(d)(3).

7. Although section 601(2) applies the Regulatory Flexibility Act of 1980 (RFA) [Pub. L. 96-354] to rules adopted pursuant to Section 553 of the Administrative Procedures Act, the RFA is inapplicable to rules adopted without an opportunity for public notice and comment. Nevertheless, we find that this will have little or no economic impact on small entities.

8. For further information regarding matters covered in this document, contact Michael Rentfrow (202) 634-1592.

#### List of Subjects in 47 CFR Part 90

Civil defense Emergency medical services, Radio.

Federal Communications Commission.

William J. Tricarico,

Secretary.

#### Rules Changes

Part 90 of Chapter 1 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 90—PRIVATE MOBILE RADIO SERVICES

1. The authority citation for Part 90 continues to read as follows:

Authority: Section 4, 303, 48 Stat., as amended, 1066 1082; 47 U.S.C. 154, 303, unless otherwise noted.

2. The Title of Subpart R of Part 90 is revised to read:

#### Subpart R—Frequency List

##### § 90.525 [Removed]

3. Section 90.525 Industrial Communications Emergency Plan (ICEP) is removed.

##### § 90.527 [Removed]

4. Section 90.527 Land Transportation Industries Communications Emergency Plan (LATICEP) is removed.

[FR Doc. 86-23712 Filed 10-21-86; 8:45 am]

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#### INTERSTATE COMMERCE COMMISSION

##### 49 CFR Part 1057

[Ex Parte No. MC-43 (Sub-No. 16)]

#### Lease and Interchange of Vehicles; Identification Devices

AGENCY: Interstate Commerce Commission.

ACTION: Final rules.

**SUMMARY:** Final rules are adopted governing the removal and/or return of carrier identification devices on termination of a lease agreement (see appendix). The present rules requiring carriers to: (1) Retrieve their identification devices; and (2) obtain a receipt when equipment owners retake possession of their equipment are removed. The final rules require that these matters be negotiated between the parties and addressed in the lease agreement. Additionally, the final rules permit carriers to withhold payment to equipment owners pending removal and return of their identification devices.

**EFFECTIVE DATE:** November 21, 1986.

#### FOR FURTHER INFORMATION CONTACT:

Paul W. Schach, (202) 275-7885

or

Mark Shaffer (202) 275-7805

#### SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to T.S. Infosystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289-4357 (DC Metropolitan area) or toll-free (800) 424-5403.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

#### Regulatory Flexibility Analysis

We reaffirm our prior certification. The rules we are adopting here will not have a significant economic impact on a substantial number of small entities. While the rules we adopt will affect a substantial number of small entities, i.e., independent owner-operators, their economic impact will not be substantial. Equipment owners required by the lease contract to remove, package, and return

identification devices to the carriers may incur some additional but minimal expense, but, as stated in our earlier decision, such additional costs can ultimately be the subject of negotiations between the equipment owner and the carrier entering into a lease contract. This same analysis applies to those owner-operators required by the lease to provide the carrier with a receipt when they retake possession of the equipment. Finally, the other rule revisions that we adopt here do not have any direct economic impact.

#### List of Subjects in 49 CFR Part 1057

Motor carriers.

Decided: October 10, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley

Noreta R. McGee,  
Secretary.

#### Appendix—Final Rules

Part 1057 of the Code of Federal Regulations, Title 49, is amended as follows:

#### PART 1057—LEASE AND INTERCHANGE OF VEHICLES

1. The authority citation for 49 CFR Part 1057 continues to read as follows:

Authority: 49 U.S.C. 11107 and 10321; 5 U.S.C. 553.

2. Section 1057.11(b)(2) is revised to read as follows:

##### § 1057.11 General leasing requirements.

\* \* \* \* \*

(b) \* \* \*

(2) When possession of the equipment by the authorized carrier ends, a receipt shall be given in accordance with the terms of the lease agreement if the lease agreement requires a receipt.

\* \* \* \* \*

3. The second sentence of 49 CFR 1057.11(c)(1) is removed.

4. Two sentences are added to 49 CFR 1057.12(e) at the beginning of the section to follow the heading as follows:

##### § 1057.12 Written lease requirements.

\* \* \* \* \*

(e) The lease shall clearly specify which party is responsible for removing identification devices from the equipment upon the termination of the lease and when and how these devices, other than those painted directly on the equipment, will be returned to the carrier. The lease shall clearly specify the manner in which a receipt will be given to the authorized carrier by the equipment owner when the latter retakes possession of the equipment



upon termination of the lease agreement, if a receipt is required at all by the lease. \* \* \*

5. Three sentences are added to 49 CFR 1057.12(f) between the existing second and third sentences as follows:

(f) \* \* \*

In addition, the lease may provide that, upon termination of the lease agreement, as a condition precedent to payment, the lessor shall remove all identification devices of the authorized carrier and, except in the case of identification painted directly on equipment, return them to the carrier. If the identification device has been lost or stolen, a letter certifying its removal will satisfy this requirement. Until this requirement is complied with, the carrier may withhold final payment. \* \* \*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 611

[Docket No. 60598-6098]

### Foreign Fishing; Bering Sea and Aleutian Islands Groundfish Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), NOAA, Commerce.

**ACTION:** Notice of foreign fishery reopening and request for comments.

**SUMMARY:** The Secretary of Commerce has determined that fishing vessels of the Republic of China (PRC) may continue trawling for the 1986 PRC allocation of pollock in the Bering Sea and Aleutian Islands (BSA) management area. The Director, Alaska Region, NMFS (Regional Director), closed the BSA management area to trawling by vessels of the PRC on June 20, 1986, after the PRC's portion of the prohibited species catch (PSC) limit for Pacific halibut was exceeded. The Secretary is allowing the PRC to continue a directed fishery for pollock under foreign fishing regulations governing the BSA groundfish fishery.

**DATES:** Effective October 17, 1986. Public comments will be received until November 21, 1986.

**ADDRESSES:** Comments should be mailed to Robert W. McVey, Alaska Region, National Marine Fisheries Service (Regional Director), P.O. Box 1668, Juneau, Alaska 99802, or be

delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

**FOR FURTHER INFORMATION CONTACT:** Janet Smoker (Resource Management Specialist, Alaska Region, NMFS), 907-586-7229.

#### SUPPLEMENTARY INFORMATION:

##### Background

Regulations governing foreign fishing for groundfish in the BSA establish PSC limits for four species caught incidental to the permitted trawl fisheries. Each foreign nation receiving an allocation of BSA groundfish is given a portion of the overall PSC limit, based on the amount of its groundfish allocation. The initial 1986 PSC limit of Pacific halibut for fishing vessels of the PRC was 5 metric tons (mt).

When a PSC limit is reached, the entire management area is closed to trawling by vessels of that nation for the remainder of the fishing year. However, the Regional Director may allow a selected portion of that nation's fleet to continue fishing after making certain findings under criteria described at § 611.93(e)(2)(iii). These criteria include the following:

(A) The risk of biological harm to prohibited species stocks and of socioeconomic harm to authorized prohibited species users posed by continued trawling by the selected element;

(B) The extent to which the selected elements have avoided incidental prohibited species catches up to that point in the fishing year;

(C) The confidence of the Regional Director in the accuracy of the estimates of prohibited species catch by the selected elements up to that point in the fishing year;

(D) Whether observer coverage of the selected elements is sufficient to assure adherence to the prescribed conditions and to alert the Regional Director to increases in the elements' prohibited species catch; and

(E) The enforcement record of owners and operators of vessels included in the selected elements, and the confidence of the Regional Director that adherence to prescribed conditions can be assured in light of available enforcement resources.

Fishing vessels of the PRC began fishing for the first time in the fishery conservation zone in March 1986. After a short directed fishery on pollock, with a catch of 752.8 mt, the vessels engaged in joint ventures with U.S. fishermen until resuming directed fishing for yellowfin sole and flatfish in late May. Within a few weeks, based on catch rates recorded by NMFS observers, the total bycatch of Pacific halibut had

reached 8.2 mt. The Regional Director closed the BSA management area to further directed fishing by the PRC on June 20, 1986.

On September 5, 1986, the PRC received an additional allocation of 1000 mt consisting mainly of pollock. In order to allow the PRC an opportunity to harvest this allocation plus amounts of pollock remaining in its original allocation, a total of 2,098 mt, the Regional Director finds that fishing vessels of the PRC may resume fishing for pollock in the BSA management area provided the Pacific halibut bycatch does not exceed 3.0 mt. If the 3.0 mt halibut bycatch limit is achieved, the Regional Director will immediately close the area to further fishing by vessels of the PRC regardless of any remaining allocations.

##### Findings

The Regional Director, in accordance with the five criteria listed above, makes the following additional findings:

A. The risk of biological and socioeconomic harm to halibut stocks and fishermen would be low if PRC trawlers conduct a directed fishery for pollock only. The total PSC catch of halibut by all foreign trawling is 228.2 mt, only 33 percent of the allowable PSC catch (684 mt) by foreign trawling in 1986.

B. The PRC avoided excessive (less than 0.3 mt) incidental halibut catches while previously fishing for pollock. Based on this catch rate, the Regional Director has determined that an additional 3.0 mt of Pacific halibut will adequately allow the harvest of the remaining PRC allocation of pollock.

C. The Regional Director is confident that the prohibited species catch estimates are accurate due to 100 percent observer coverage of the vessels of the PRC.

D. One hundred percent observer coverage of the PRC trawl fleet is sufficient to assure adherence to the condition that it fish for pollock only and to alert the Regional Director to increases in its prohibited species catch.

E. Although the PRC has received nine enforcement violations to date, that number, while high, is not unusual for a country new to the fishery, and violations are expected to decrease in the future. Furthermore, the Regional Director is confident that the incidental catch of halibut was not intentional and that a fishery on pollock only would minimize the incidence of the halibut catch. Finally, the Regional Director has been assured of PRC intentions to observe their PSC limits strictly.



This notice will become effective upon filing for public inspection with the Office of the Federal Register. Public comments on this notice may be submitted to the Regional Director at the address above. After considering any comments received, the Regional Director will determine whether this notice should be revised.

#### Other Matters

Allowing the PRC fleet the opportunity to harvest its current allocation of pollock increases the efficiency of PRC factory trawlers participating in joint ventures with domestic fishermen because the factory trawlers are able to fish when weather conditions prevent fishing by the smaller domestic joint venture vessels. This is especially important during the fall when adverse weather conditions may be encountered in the BSA management area. The flexibility afforded by a directed fishery will enable the PRC to increase its purchases of groundfish from domestic joint venture fishermen. This benefit to domestic fishermen would be reduced if delay of the PRC pollock fishery discouraged the PRC vessels from returning to the fishing grounds.

For this reason, the Assistant Administrator for Fisheries, NOAA, finds, under § 611.93(e)(1)(ii)(C), that provision of an opportunity for 30 days of public comment prior to the effective date of this notice would be impracticable and contrary to the public interest and that no delay should occur in its effective date. This action is taken under the authority of regulations specified at 50 CFR 611.93 and 675.20(b) and complies with Executive Order 12291.

#### List of Subjects in 50 CFR Part 611

Fisheries.

Authority: 16 U.S.C. 1801 et seq.

Dated: October 17, 1986.

Carmen J. Blondin,

*Deputy Assistant Administrator For Fisheries Resource Management, National Marine Fisheries Service.*

[FR Doc. 86-23878 Filed 10-17-86; 3:38 pm]

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#### 50 CFR Parts 611 and 675

[Docket No. 61095-6195]

#### Foreign Fishing; Groundfish of the Bering Sea and Aleutian Islands Area

**AGENCY:** National Marine Fisheries Service NMFS, (NOAA), Commerce.

**ACTION:** Emergency interim rule and request for comments.

**SUMMARY:** The Secretary of Commerce (Secretary) has determined that an emergency exists in the groundfish fishery of the Bering Sea and Aleutian Islands (BSAI) management area resulting from the current regulatory requirement that the Secretary prohibit all fishing for groundfish in the BSAI management area or either sub-area where the total allowable catch (TAC) for any groundfish species is achieved. This action amends current regulations to (1) authorize closure of either sub-area of the BSAI management area to directed fishing for specified groundfish species prior to achieving the TAC for that species; (2) assure an amount of the specified species necessary for incidental catch in fisheries for other groundfish species during the remainder of the year; (3) require treating any specified groundfish species as a prohibited species when the TAC for that species has been achieved; and (4) to clarify the definition of "fishing year". Public comments are invited on this emergency rule and will be considered in the promulgation of a final rule permanently implementing these measures. The intended effect of this is to promote the full utilization of all groundfish species without causing biological harm to any one species and without inhibiting the development of domestic fisheries and is intended as a conservation and management measure to make optimum use of groundfish yields in 1986 and subsequent years.

**DATES:** Effective October 20, 1986 until January 20, 1987. Written comments on 50 CFR Part 675 and supporting documents must be received on or before November 19, 1986.

**ADDRESS:** Comments should be mailed to Robert W. McVey, Director, Alaska Regional Office, NMFS, P.O. Box 1668, Juneau, Alaska 99802, or be delivered to Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska. Copies of the emergency interim rule and supporting documents may be obtained from the address above.

**FOR FURTHER INFORMATION CONTACT:** Jay J.C. Ginter, Resource Management Specialist, NMFS, 907-586-7230.

#### SUPPLEMENTARY INFORMATION:

##### Background

The domestic and foreign groundfish fishery in the fishery conservation zone (3-200 miles offshore) of the BSAI is managed under the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Island Area (FMP). The FMP was developed by the North Pacific Fishery Management Council (Council) under the Magnuson Fishery Conservation and Management

Act (Magnuson Act) and implemented January 1, 1982 (46 FR 63295, December 31, 1981).

At its March 19-21, 1986 meeting, the Council reviewed the progress of the domestic sablefish fishery in the Bering Sea subarea. The Council considered whether to continue the fishery for the remainder of the year through reapportionment of nonspecific reserve or to close only the directed fishery for sablefish by emergency rule and prohibit the retention of sablefish caught while fishing for other groundfish species for the remainder of the year. The Council recommended that the Secretary reapportion enough reserve to continue the sablefish fishery until its June 25-27 meeting, at which time the Council would again evaluate the harvest rate in the sablefish fishery. Accordingly, the Secretary reapportioned 500 metric tons (mt) of sablefish from the nonspecific reserve to the domestic fishery on May 19, 1986 (51 FR 18333).

At its June meeting, the NMFS Director, Alaska Regional Office (Regional Director), informed the Council that the new sablefish TAC was likely to be taken within one week. The Council then recommended that the Secretary immediately implement a combined interim emergency rule and permanent regulatory amendment to allow the Secretary to slow the rate of catch of any groundfish species by designating it for incidental or bycatch only when necessary to extend the harvest of that species until the end of the year. If the TAC of a groundfish species was reached, despite its status as bycatch only, prior to the end of the year, then the Council recommended that the Secretary prohibit further retention of this species in other groundfish fisheries. The Council recommended also that any further reserve releases to the sablefish TAC in 1986 be for bycatch only until such time that the emergency rule was implemented and sablefish retention was prohibited.

This recommendation is implemented while this emergency rule is effective by amending 50 CFR 675.20(a) to accommodate three conditions. First, directed fishing for a groundfish species can be prohibited during a fishing year when the Regional Director determines that the remaining amount of TAC of that species is necessary as bycatch in groundfish fisheries for other species during the remainder of the fishing year. This will allow incidental catches and retention of the species while fishing is directed to other groundfish species. It also will prevent wasting potentially